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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2873

AF/2873 \$
#14/11/11 Notice of Appeal
6-11-02
R. Braker

Docket No. 00684.002935
Date: June 5, 2002

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Toshiyuki YOSHIHARA

Application No.: 09/438,491 ✓

For: ABERRATION CORRECTING OPTICAL SYSTEM

Filed: November 12, 1999 ✓

Group Art Unit: 2873 ✓

Examiner: J. M. Schwartz ✓

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Commissioner for Patents
Washington, D.C. 20231

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Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 5, 2001 of the Primary Examiner finally rejecting claims 1-20.

The item(s) checked below are appropriate.

1. ☒ A Petition for a two month extension of time to respond to the final rejection, together with the \$400.00 extension fee under 37 C.F.R. §1.17, was filed on March 6, 2002.
2. ☒ A Petition for a third month extension of time to take further action, together with the \$520.00 extension fee under 37 C.F.R. §1.17, is filed concurrently herewith.
3. ☒ Fee \$320.00
☐ Fee \$155.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
☒ Enclosed
☐ Not required (fee paid in prior appeal)

06/06/2002 MGBREH1 00000045 09438491 520.00 UP
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☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
5. ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicant
Steven E. Warner
Registration No. 33,326

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